

## **REMARKS**

### **I. Summary**

Applicant thanks Examiner Akintola for the thorough examination. To recap, the Office Action mailed March 12, 2009 (“Office Action”) set forth the following rejections:

- Claim 10 was rejected under 35 U.S.C. § 112 as being indefinite.
- Claims 1, 2, 4-8, 10, 11, 22-27, 29, and 30 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent Application Publ. 2002/0116205 (“Ankireddipally”) in view of U.S. Patent 7,177,833<sup>1</sup> (“Marynowski”).
- Claim 9 was rejected under 35 U.S.C. § 103 as obvious over Ankireddipally in view of Marynowski in further view of U.S. Patent Application Publ. 2003/0126068 by Hauk, *et al.*
- Claim 28 was rejected under 35 U.S.C. § 103 as unpatentable over Ankireddipally in view of Marynowski in further view of U.S. Patent 6,519,574 to Wilton, *et al.*

Claims 1, 8, 11, 22, 23, and 30 have been amended. Support for the amendments may be found throughout the application. No new matter has been added. Applicant submits that the claims are allowable for at least the following reasons:

### **II. Related Applications**

Applicant understands that the Examiner reviews the claims and prosecution history of related applications as they contain common subject matter. To this end, Applicant reminds the Examiner that the present application is related through a claim of priority to U.S. Patent Application Serial No. 11/416,459 and 11/416,473. For the purposes of the present application, Applicant hereby rescinds any disclaimer of claim scope that may have been (or may be) made during the prosecution of any related application. Applicant also respectfully requests examination of each claim in the present application according to the language of the claim, and prior art as set forth in the MPEP, and not importing statements made by the Applicant in the prosecution of any related application.

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<sup>1</sup> Applicant notes that the Office Action inadvertently indicates Marynowski as U.S. Patent 6,912,511, which is to Eliezer and does not include column 26, lines 34-54 cited in the Office Action. Nonetheless, as discussed herein, Eliezer also does not disclose or suggest features of the claims.

III. Rejection Under 35 U.S.C. § 103

In the claims, a message including both an order to buy or sell a quantity of a tradeable object at a first price, and a market event request a message is received at a first electronic exchange from a trader. The market event request includes a condition and a predetermined action to be taken on behalf of the trader. In response to detecting the condition at the first exchange, the first exchange sends an second order to buy or sell a second tradeable object to a second electronic exchange.

The Office Action at page 4 cites Ankireddipally for receiving an order message having an order for a quantity of a first tradeable object at a first price and a market event request from a trader, detecting a condition of the market event request at the first exchange and in response, sending a second order on behalf of the trader from the first electronic exchange to the second electronic exchange on behalf of the trader. Acknowledging that orders are not for a quantity of a tradeable object at a first price, and that different first and second electronic exchanges having a computerized matching process configured to match orders of others for different tradeable objects matched at both exchanges are not disclosed in Ankireddipally, the Office Action at page 4 instead cites to Marynowski.

In contrast to the claims, Ankireddipally manages transactions processing and message flow among application programs in a distributed computer network. (Abstract). Ankireddipally discloses a commerce exchange server that produces messages needed to perform a transaction and manages message flow to and from service application. (par. [0012]). In Ankireddipally, a commerce exchange server (CX) receives operation requests posted by client components and directs them to appropriate service components available to perform those services. (par. [0031]). The CX searches for service components referred to as commerce exchange components, or CXC's, and performs administrative functions including transaction tracking, audits and disaster recovery. (pars. [0031] and [0032]). The commerce exchange server (CX) is a document-centric process automation, exchanging XML documents between commerce exchange components. (par. [0041]). The CXC provides services or originates requests. (par. [0032]). The CX's may cooperate to perform transactions in a cooperative fashion. (pars. [0063] and [0086], Figure 7). When a CX receives a request that is not supported the operation, the CX sends the operation request to another CX. (par. [0088]). Thus, in Ankireddipally, requests are forwarded to a CX that handles the operation.

Similarly in contrast to the claims, Marynowski relates to an automated trading system at a trader's site that automatically submits orders in order to hedge part of delta risk associated with the automated option trades. (Abstract; col. 25, ll. 34-54). Marynowski describes that the hedging software is resident on trader stations, a backend computer, or other equipment at the trader's site. (col. 27, ll. 56-58). Figure 6 shows that the backend computer at the trader's site receives a confirmation from an exchange for an options trade. (col. 27, ll. 58-65). The trader then submits an order for the hedge through the keyboard, mouse, gamepad or other input device of the trading station at the trader's site. (col. 28, ll. 6-20). In an automatic mode, the trader station sends the order to the exchange via a backend computer in response to a trade confirmation received from an exchange. (col. 27, ll. 56-63; col. 28, ll. 25-32, 33-36). Accordingly, the trading system at the trader's site determines when to send orders from the trader's to the exchange. (Abstract).

Applicant submits that Ankireddipally and Marynowski do not disclose or suggest at least:

- receiving from a trader a first order message having an order to buy or sell a quantity of a first tradeable object at a first price and a market event request, the first order message received at a first electronic exchange having a first computerized matching process configured to match orders for the first tradeable object, **the market event request including a condition and an associated predetermined action to be taken on behalf of the trader, the action including sending an order to buy or sell a second tradeable object to a second electronic exchange** having a second computerized matching process configured to match orders for the second tradeable object,
- detecting the condition at the first electronic exchange,
- in response to detecting the condition, **sending a second order to buy or sell the second tradeable object on behalf of trader from the first electronic exchange to the second electronic exchange,**

First, the cited art does not disclose or suggest that a message with an order to buy or sell a quantity of a tradeable object at a first price and a market event request that includes the features is received at an exchange as included in the claims. Nothing in Ankireddipally discloses or suggests a first order message having an order to buy or sell a quantity of a first tradeable object **and** a market event request. When an operation request is received by the CX, it does not include

anything more than just the request. To that end, there is no order **and** a market event request, since there is only an operation request. Indeed, although there is nothing in the operation request in Ankireddipally that includes an order to buy or sell a quantity of a first tradeable object, there is also nothing in the operation request that includes a condition and an associated predetermined action including sending an order to a second exchange. When an order request is sent from one CX to another, the order request is sent, not because of a condition or predetermined action of the order request, but because the “CX does not support the operation.” (par. [0088]). There is no predetermined action in the order request to send the order message to another CX. To the extent that the Office Action at page 3 refers to the portions of Ankireddipally for a “transaction definition” and that “requested transaction has a transaction definition stored in data memory” as disclosing the market event request of the order message, Applicant points out there is no other portion of the transaction request.

Moreover, there is nothing in Ankireddipally that discloses or suggests that Ankireddipally may be modified to change the CX’s from a “a document-centric process automation, exchanging XML document between commerce exchange components” to electronic exchanges having computerized matching processes configured to match orders for the first tradeable object as included in the claims. Ankireddipally discloses the solution for “manag[ing] transaction processing message flow in a distributed network.” (par. [0002]). However, the solution of Ankireddipally does suggest that the “message flow in a distributed network” may be an electronic exchange that receives an order request and an market event request, detects a condition of the market event request, and in response sends a second order to a second exchange as suggested in the Office Action. Ankireddipally is silent with regards to electronic exchanges having a matching process, orders sent to an exchange and taking action on behalf of a trader. Thus, Applicant respectfully submits that Ankireddipally does not disclose or suggest the feature of “receiving from a trader at a first exchange, a first order message having an order to buy or sell a quantity of a first tradeable object at a first price and a market event request” as included in the claims.

Applicant submits that Marynowski also does not discloses or suggest the feature of “receiving from a trader a first order message having an order to buy or sell a quantity of a first tradeable object at a first price and a market event request” as included in the claims. In

Marynowski, the trading system at the trader's site submits orders to an exchange. The trading system determines whether to submit an order to an exchange based on a trade confirmation received from an exchange. (col. 27, ll. 56-63; col. 28, ll. 25-32, 33-36). The orders that are sent from the trading system at the trader's site do not include a market event request. Moreover, the trading system did determine an order to send based on a condition and **an associated predetermined action of an order message sent to an exchange**. Instead, the trading system sends an order based on the trade confirmation received at the trading system at the trader's site. Sending an order based on a fill is not the same as sending an order from an exchange to another exchange based on an order message having an order to buy or sell a quantity of a first tradeable object at a first price and a market event request having **a condition and an associated predetermined action** including sending an order for a second tradeable object to a second electronic exchange as included in the claims. Nothing in the order message formed a basis for determining whether to send an order from an exchange to another exchange. Indeed, nothing in Marynowski discloses or suggests sending an order for a tradeable object from one exchange to another exchange. Accordingly, the feature for "receiving from a trader a first order message having an order to buy or sell a quantity of a first tradeable object at a first price and a market event request, the first order message received at a first electronic exchange having a first computerized matching process configured to match orders for the first tradeable object, the market event request including a condition and an associated predetermined action to be taken on behalf of the trader, the action including sending an order to buy or sell a second tradeable object to a second electronic exchange having a second computerized matching process configured to match orders for the second tradeable object" is also missing from Marynowski.

Second, nothing in Ankireddipally discloses or suggests that a condition of the market event request may be detected at an electronic exchange. As discussed, nothing in Ankireddipally discloses or suggests the market event request is received at an exchange. When an operation request is sent from one CX to another CX, it is sent because the CX that received the operation request could not support the request, not because of a condition or predetermined action of the request. As for Marynowski, the orders are sent from the trading system at the trader's site. The system at the trader's site determines to send the order based on an order confirmation received from an exchange at the trading system, and not on an order request that was received at an

exchange. Indeed, the orders do not include the market event request as included in the claims. Accordingly, the feature for “detecting the condition at the first electronic exchange” is entirely missing from the cited art, and therefore, the invention of the claims would not be obvious over the cited art.

Lastly, the cited art does not disclose or suggest sending a second order to buy or sell the second tradeable object on behalf of trader from first electronic exchange to second electronic exchange, in response to detecting the condition as included in the claims. In Ankireddipally, an operation request is sent from one CX to another because the CX does not support the operation. The operation request is not sent because of a predetermined condition received with the request. The CX simply does not support the type of request, and forwarded it to another CX that does support the request. In contrast, the claims detect the condition of the market event request with the order request, and in response send a second order, not the same order, to a second electronic exchange.

As for Marynowski, the trading system sends the orders. The trading system is at the trader's site and is not an electronic exchange. The orders that are sent to an exchange do not include a market event request. Moreover, the trading system sends an order based on a trade confirmation received from an exchange not based on an event detected at the exchange. Nothing in Marynowski discloses or suggests that the order sent to an exchange may include a market event request, that an exchange may detect a condition of a market event request, or that an exchange may send an order to another exchange in response to detecting a condition of a market event request of an order message. Indeed, since the exchanges only receive orders, and those orders are only sent from the trading system at the trader's site in response to a confirmation from an exchange, Marynowski cannot be read as suggesting that the exchange can receive market event requests. Moreover, Marynowski cannot be read as disclosing that the exchange can be modified to send orders on behalf of a trader as included in the claims. Accordingly, the feature of “in response to detecting the condition, sending a second order to buy or sell the second tradeable object on behalf of the trader from the first electronic exchange to the second electronic exchange, wherein the second tradeable object is different from the first tradeable object, wherein tradeable objects matched at the first exchange are different than tradeable objects matched at the second exchange, and the action of sending the order is taken on

behalf of the trader by the first electronic exchange using a microprocessor executing one or more instructions” is also entirely missing from Marynowski.

Because the features are entirely missing from Ankireddipally and Marynowski, the cited art does not disclose or suggest the claims. Accordingly, the invention of the claims would not be obvious over the cited art.

Applicant also respectfully submits that the features of the claims are not a predictable use of prior art elements according to their established functions. In particular, the prior art does not disclose or suggest a market taking action on behalf of a trader as included in the claims. Since the cited art does not disclose the features of the claims, much less their established functions, the cited art cannot be combined to render the claims obvious. Accordingly, Applicant respectfully requests removal of the rejection and earnestly solicits allowance.

#### IV. Conclusion

In view of the foregoing, Applicants respectfully submits that the claimed invention is not disclosed or suggested by the cited art. Favorable consideration and withdrawal of the rejections are respectfully requested. The Examiner is invited to contact Applicant’s representative, Joseph Flerlage at (312) 698-6065, to expedite consideration of the application.

Respectfully submitted,

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